S.B.Cr.Misc. Bail App. No. 5311/2007
(Sadeek Khan & Ors. Vs. State of Rajasthan)

Date of order : 16/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. P.R.Choudhary for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Mr. Pradeep Shah for the complainant.

Heard learned counsel for the petitioners and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and police investigation diary.

The allegation of causing head injury to the injured Khan Mohd. is against the petitioner No.1 Sadeek Khan and petitioner No.4 Fateh Khan. Due to the head injury, the injured remained hospitalized and injuries were found to be dangerous to life. In this view of the matter, I do not find it a fit case to release the petitioner No.1 Sadeek Khan and petitioner No.4 Fateh Khan on bail. The bail application filed by the petitioners No. 1 and 4 is therefore, dismissed.

However, having regard to the facts and circumstances of the case and the fact that no specific injury has been caused on vital parts by the petitioners No. 2, 3, 5,6 and 7 and therefore, without commenting on the merit of the case, and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners No. 2,3,5,6 and 7 on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioners Masur Khan S/o Sadeek Khan, Sajan Khan S/o Sadeek Khan, Barkat Khan S/o Ramjan Khan, Bilal Khan S/o Ramjan Khan and Safi Mohd. S/o Ramjan Khan be released on bail in FIR No. 38/07 P.S. Sankda, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP